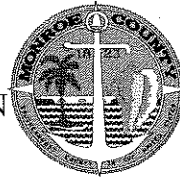


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MEMORANDUM
MONROE COUNTY GROWTH MANAGEMENT DIVISION
We strive to be friendly, professional and fair



To: Monroe County Planning Commission

From: Ty Symroski, Division Director

Date: October 4, 2006

RE: Latest Development Agreement Kings Pointe

Introduction

Kings Pointe LLC has proposed a project that involves transferring ROGO units from Lazy Lakes on Sugarloaf Key to the Oceanside Marina on Stock Island. Additionally, affordable housing would be built at Lazy Lakes and remaining market rate residential ROGO units would be available to Kings Pointe to develop elsewhere.

This proposal has the possibility to further the objectives of the Area of Critical State Concern more than a strict adherence to the Land Development Regulations. Therefore, at this time the staff is forwarding the basic elements of a "380 agreement" which is authorized by Florida Statutes.

Proposed Process

If this basic skeleton of an agreement is acceptable to the Planning Commission, then the Growth Management Division will work with the applicant to refine the details and put the agreement into the appropriate legal format. This will then be forwarded for approval to the County Commission and the Florida Department of Community Affairs.

In addition to the agreement, both sites will be required to go through major conditional use review. This review will get into great detail. Therefore, the staff and the applicant have agreed to hold off on the conditional use review until substantial progress is made on the agreement.

At this point the staff has discussed the project and recommends approval of the proposal listed below. However, there are a few modifications that the staff recommends.

Please note that the applicant has not abandoned their proposal made on September 27 but is willing to go with the proposal discussed below.

1
2 Background: Existing Conditions and Current Use
3

4 1) Lazy Lakes

5 a) Existing Conditions

6 i) Urban Residential Mobile Home (URM) for the developed area (5 plus acres)

7 (1) Maximum net density buildout: 32 units

8 ii) Current Use:

9 (1) 48 RV space

10 (2) 50 mobile homes

11 (3) Office/rec room & swimming pool

12 (4) Entirely scarified and filled

13 iii) Native Area (NA)

14 (1) Approximately 7 acres to the south of the developed, URM area

15 iv) Proposed Tier 1 for the entire site
16

17 2) Oceanside Marina

18 a) Existing Conditions

19 i) Mixed Use (MU)

20 ii) Current Use

21 (1) 22 multifamily condominiums

22 (2) Wet Slips

23 (3) Bath House

24 (4) Boat Ramp

25 (5) Dry Slips

26 (6) Restaurant

27 (7) Boat Dealership and associated retail

28 (8) Boat repair and maintenance

29 (9) Fueling & Bait shop
30

31 Background: Redevelopment Allowed Per Current LDR's.
32

33 1) Lazy Lakes Redevelopment Allowed Per Current LDR's.

34 a) Permanent density (50 mobile home units) is protected by Section 9.5-268 of the
35 LDRs.

36 i) Inclusionary Housing Requirement: 30% must be affordable and develop
37 concurrently with the market rate units. Thus of the 50 units, 35 may be
38 market rate units onsite and 15 affordable must be built onsite or donation into
39 the inclusionary housing fund.

40 b) 48 RV units transferable off-site as affordable per Section 9.5-120.4

41 i) RV units may not be redeveloped onsite because they exceed the maximum
42 net density and transient density is not protected.

43 ii) RV units may only be transferred offsite as affordable housing. The applicant
44 is not required to undertake the development of 48 affordable units.
45

46 2) Oceanside Redevelopment Allowed Per Current LDR's

- a) Development is currently limited by FAR and Density.
 - i) Boat Barn floor area counts.
 - ii) Liveaboards count as dwelling units. Note, the prior 380 agreement did not count them for this site and the county is revising the marina and working waterfront to better address the daily changes that occur at marinas as boats come and go.
 - iii) Adding dwelling units over the allocated density requires TDR's up to the maximum net density limit (12 units per buildable acre which works out to 9.6 per gross acre for this site). Note, the previous 380 agreement did not require TDRs
- b) The area is in the AICUZ recently proposed by the Navy. This recent proposal is an expansion of the current AICUZ and not part of the LDR's or Comprehensive Plan. The property is actually dissected by two zones related to sound (DNL 65-75 zone and DNL 75-80 zone). The proposal is to build 19 condominium units in the DNL 65-75 zone and to relocate the boat barn into the DNL 75-80 zone. The remaining 13 condominium units will be in the DNL 75-80 zone.

Positive	Negatives
Lots of affordable (15 per inclusionary and 48 per the transfer ordinance for 68 total)	No requirement to develop the 48 affordable housing. Applicant may 'Sit' on the 48 affordable.
	30 year affordability
	Affordability requirements are made available to middle and moderate income. Not required to have any of the units be very low and low income.

Proposed 380 Agreement

1) Lazy Lakes

- a) 50 units of affordable workforce housing constructed and given to the county with a 99 year lease back to the developers for the land area surrounding the pool and community house and along the south side of the lake. The units would then be sold with the 99 year least at the maximum prices allowed by the Code. 45 of these units would come from the site and 5 of the units would come from 5 affordable ROGO credits the applicant already has available. In similar exchanges the County has pay 65% of the appraised value of the land.
- b) Ecological enhancement. (note the developer would have to do this under any redevelopment scenario)
 - i) Manage storm water runoff
 - ii) All native landscaping and remove the Australian Pines
 - iii) Build sewer plant for the property
 - iv) Reduce the filled perimeter to provide mangrove fringe
- c) Northern most portion of property would be given to the County for redevelopment into a public beach/ park with picnic tables and shade. The waters lake edge would be graded and made into a beach. The applicant would make a

1 financial contribution for this development and may be amenable to some simple
2 site preparation work. All excess fill be placed back into the lake to create more
3 shallow habitat

4 d) Donate the wetland to the County for subsequent donation to the Florida Forever.

5
6 2) Oceanside

7 a) 32 units market rate at Oceanside

8 b) Public provided a non-exclusive easement to 10 feet of Oceanside shoreline along
9 Penninsular Road proposed boat ramp next to Hickory House

10 c) Liveaboards due to the changes in LDRS will remain excluded from this project.

11 d) Bus stop

12 e) Storm water injection well with baffle treatment and abandon the stormwater line
13 under the property that takes raw storm water from Maloney Blvd into the ocean.

14 f) Sewer pumpout for the marina will continue

15 g) Sound proof the units and provide an avigation easement as is being done at the
16 houses around the Key West International Airport.

17
18 3) Off site

19 a) The applicant would be allowed 21 market rate ROGO credits to transfer beyond
20 the Lower Keys subarea, only to Tier 3 and none to Big Pine Key .

21
22 Staff Analysis

23
24 The staff supports this agreement with the following reservations and suggested changes:

- 25
26 1. The affordable units should be distributed among income groups.
27 2. For the ROGO credits being reserved for offsite locations the staff prefers that the
28 units would be restricted to vacant IS lots.

29
30 At this point, the Planning Commission may make a recommendation and then, as
31 described earlier, the proposal will go forward to the County Commission and the
32 Department of Community Affairs.

33
34 In the staff's opinion, the proposal furthers the community goal more than the LDRs and
35 thus warrant a relaxation of some of the LDR requirements. The primary advantage is
36 that the most likely redevelopment option under the current LDRs would be 35 market
37 rate units and 15 affordable units. The proposal results in 50 affordable housing units
38 built. In addition the proposal improves public access to the water, provides a park to the
39 public, improves water quality around Stock Island, addresses the sound issues of the
40 Navy, donates land to be preserved and improves the ecological character of Lazy Lakes.